

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, APRIL 03, 2007 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Reese Nielsen	Vice-Chairman
	Miles Brown	Alternate
	Bill McGaha	Commissioner
	Joan Peterson	Commissioner
	Barbara Poelman	Commissioner
CITY STAFF:	Mark Teuscher	City Planner
	Eliza McGaha	Administrative Secretary
EXCUSED:	Steve Hill	City Council Liaison
	Kevin Lane	Chairman
	Patti Ellis	Commissioner
	David Hipp	Commissioner

AGENDA

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

APPLICATION #2745 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO MAPLE CREEK P.U.D. SUBDIVISION / 464 & 468 NORTH 100 EAST / ANVIL CONSTRUCTION

APPLICATION #2798 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO AN AMENDMENT OF THE PEDESTRIAN SIDEWALK MASTER PLAN AS AN APENDIX TO THE GENERAL PLAN / BRIGHAM CITY CORPORATION

APPLICATION #2915 / CONDITIONAL USE PERMIT – DETACHED STRUCTURE OVER 2,000 SQ. FT. / 74 NORTH 100 EAST / M. BRENT JENSEN

APPLICATION #2898 / CONTINUATION / AMEND THE GENERAL PLAN MAP FROM INDUSTRIAL/MIXED USE/OFFICE TO RESIDENTIAL LOW DENSITY / 1000 WEST 400 SOUTH / R. C. GARDNER DEVELOPMENT INC., KEB INVESTMENT

APPLICATION #2881 / CONTINUATION / CHANGE ZONING DISTRICT FROM A-5 (AGRICULTURAL DISTRICT) TO R-1-8 (RESIDENTIAL SINGLE-FAMILY DISTRICT) / 1000 WEST 400 SOUTH / R. C. GARDNER DEVELOPMENT INC., KEB INVESTMENT

PUBLIC INPUT:

DISCUSSION:

REGULAR MEETING

Commissioner Nielsen opened the meeting at 6:36 p.m. and led the Pledge of Allegiance.

MOTION: A motion was made by Commissioner Poelman to accept the March 06, 2007 work session minutes. The motion was seconded by Commissioner Peterson and the motion passed unanimously.

Commissioner Peterson commented that on page 3 in the motion of the regular meeting minutes it reads that Commissioner Peterson made the motion and also seconded the motion. Ms. McGaha will check the records and make the appropriate correction.

MOTION: A motion was made by Commissioner Poelman to accept the regular meeting minutes of March 06, 2007 as amended. The motion was seconded by Commissioner Peterson and the motion passed unanimously.

APPLICATION #2745 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO MAPLE CREEK P.U.D. SUBDIVISION / 464 & 468 NORTH 100 EAST / ANVIL CONSTRUCTION

This was previously recommended for approval by the Planning Commission but due to issues associated with the Building Code the applicant made changes to the subdivision and it is being brought back before the Commission as if it were brand new. The only change is that two buildings of five units each were split into two buildings with two units and two buildings with three units.

MOTION: A motion was made by Commissioner Poelman to open the public hearing for application #2745. The motion was seconded by Commissioner Peterson and the motion passed unanimously.

There was no public input.

MOTION: A motion was made by Miles Brown to close the public hearing for application #2745. The motion was seconded by Commissioner Peterson and the motion passed unanimously.

MOTION: A motion was made by Miles Brown to forward application #2745 to the City Council with the recommendation for approval subject to recommendation of the Staff and the stipulations and that it must comply with Chapter 25 of the Subdivision Ordinance, must comply with Chapter 29.07 planned unit development and it must comply with Staff recommendations and based on the findings of fact that the applicant has submitted a plan that is in compliance with Chapter 25 Subdivision Ordinance, Chapter 29.07 Planned Unit Development and Staff comments and such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and such use is in compliance with the General Plan. The motion was seconded by Commissioner Poelman and the motion passed unanimously.

APPLICATION #2798 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO AN AMENDMENT OF THE PEDESTRIAN SIDEWALK MASTER PLAN AS AN APENDIX TO THE GENERAL PLAN / BRIGHAM CITY CORPORATION

The City Council asked the Planning Commission to revisit the Pedestrian Sidewalk Master Plan and to address two issues that are associated with the level of review and the issue of dealing with existing vacant parcels. The level of review has been broken down based on points that come from the ranking sheet; anything scoring a 7 or greater will never be granted a deferral, anything between 6.9 and 4 will be reviewed for a deferral and anything 3.9 or less will always be granted a deferral.

In regards to the existing vacant parcels, there are about 27 parcels that are independent pieces that probably will never be redeveloped or subdivided because of their size. Those parcels have been put into a category so that if anything is developed on them, sidewalk will automatically be deferred. These are vacant pieces that are not in a subdivision and have no required approval to install sidewalk.

MOTION: A motion was made by Miles Brown to open the public hearing for application #2798. The motion was seconded by Commissioner Poelman and passed unanimously.

There was no public input.

MOTION: A motion was made by Commissioner Poelman to close the public hearing for application #2798. The motion was seconded by Miles Brown and passed unanimously.

Based on the comments from the work session, Commissioner Nielsen suggested continuing this application until the next meeting or until Staff can finish making all the corrections so the Commission has the final draft before them. Mr. Teuscher suggested that public comment continue to be taken in regards to this application.

MOTION: A motion was made by Commissioner Peterson to continue application #2798 to the April 17, 2007 meeting. The motion was seconded by Miles Brown and the motion passed unanimously.

APPLICATION #2915 / CONDITIONAL USE PERMIT – DETACHED STRUCTURE OVER 2,000 SQ. FT. / 74 NORTH 100 EAST / M. BRENT JENSEN

This is in a residential zone and the structure exceeds the 2,000-square-foot limit which makes this a conditional use. Other than the size of the structure, it meets the Code.

M. Brent Jensen came forward. He stated that the structure is a pole barn-type construction with columns every 12-feet. It is a metal building but he stated he is trying to make it as aesthetically pleasing as possible. There will be windows, a green roof and a green metal wainscot at the bottom. The basic walls will be a cream/yellow color. There have been no negative comments from the neighbor notification. A neighbor did call the Community Development office and stated no objection in regards to approval of the application.

MOTION: A motion was made by Commissioner Poelman to approve APPLICATION #2915 based on the Staff recommendation; stipulations must comply with Chapter 29.06 Conditional Uses and must comply with Staff comments; Based on the findings of fact that the applicant has submitted a site plan and building elevation for an accessory structure that is larger than 2,000-square-feet but due to a lot size being significantly greater than the minimum required for the respective district, R-M-30 8,000-square-feet, this application is considered to be acceptable and that such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and such use is in compliance with the general plan. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2898 / CONTINUATION / AMEND THE GENERAL PLAN MAP FROM INDUSTRIAL/MIXED USE/OFFICE TO RESIDENTIAL LOW DENSITY / 1000 WEST 400 SOUTH / R. C. GARDNER DEVELOPMENT INC., KEB INVESTMENT

The changes to this application are an addition of a medium density area and also planned residential districts which give the Planning Commission and Staff flexibility to manage the overall design of the project in terms of such things as clustering, buffering and possible uses.

Commissioner Nielsen asked Mr. Gardener if he thought they could work sufficiently with Staff, the Commission and City Council to put in what they need.

Jonathon Gardener came forward and said that at first they were a bit reluctant to do a planned district. They don't want to have the City tell them how to develop their property. They want to do a nice development according to the Code. He said a planned district can be a win-win situation for them and the City and they are okay with doing that. The options are more varied including a concept coving plan that allows for larger lots, more open space, greater density and more efficiency within the infrastructure. This type of concept has not been seen in Utah much but it is starting to be in some of the big planning areas around the country. In a coving plan, the lot sizes increase 15-percent but the street decreases 42-percent which in turn reduces the city's maintenance on utilities by 42-percent. The open space will increase as well. In Mr. Gardener's opinion, this area would be a great area to do the coving plan which he thinks would fall within the planned district. It would be a good size development which would create more open space for the community with fewer infrastructures for the City and increase the average lot size.

Mr. Gardener stated that they met with Mr. Kapp about his isolated strip of land. Mr. Kapp has agreed to go along with this development proposal and they both met with Mr. Teuscher and City Staff. Mr. Kapp was not favorable to changing the blue section to medium density; he has other ideas for that. Mr. Gardener commented that it would be in Mr. Kapp's best interest to work with the City in doing a T.O.D. there is more value there than an industrial area, at this time. Mr. Gardener also thinks there can be a buffer created along the railroad tracks and the corridor where the medium density area is. They are anxious to get started but know there is a process to follow and they felt like they have followed that process pretty closely.

If the full development was looked at including the east side of the railroad tracks and also took into account the new planned residential medium density area, there could be 400 to 500 lots/homes; looking at the map of the proposed area on the west side of the tracks that number is 320 to 330 lots/homes. The east side yields between 68 and 74 lots. With the new medium density, which Gardener Development would look to create a buffer between the low density and the industrial office space, he said they would look to do more of a multi-family area with a higher density. That could bring approximately 70 to 100 units. This would be a several year process of development.

Miles Brown commented that he didn't understand the reasoning behind putting apartments next to the industrial area where Jones Trucking is located. Mr. Gardener replied they were not going to put in apartments; they want to develop townhouses, condos or multi-family. The concept behind putting those types of units in that area is that typically those types of home dwellers don't have as much concern as to what happens in the backyard as do single family dwelling owners.

Mr. Teuscher commented that in the West Forest Plan that area is zoned industrial but there are limits to what can and cannot be done. It is intended to be an employment center. As part of the West Forest Plan, multiuse, mixed use and dwelling units were talked about. Commissioner Nielsen added that main level retail with housing above and other varieties of options in that area were also discussed. There is some thought that heavy manufacturing will not be in that area. Mr. Gardener suggested that a disclosure could be added into the CC&R's that would directly delineate to the buyer that specific businesses are operating in that area and the buyer is willingly purchasing the property with that knowledge and have them sign that disclosure.

Paul Jones, PJT Trucking, came forward. His only concern was that the developers would develop the land and they would be left to pick up the pieces with the home owners. He felt that some type of notice needs to be given to the people who will be moving into those areas so they are aware of the nature of the neighboring businesses; his business operates 24-hours a day, 7-days a week. He purposely chose that area believing it would suit the purpose of his business for a long time.

Mr. Teuscher commented that a zone could be created to identify the noise level which would indicate to those intending to purchase property in that area that the noise level in that area exceeds certain noise decibel levels. Plants can also help, to a certain degree, with noise control.

Mr. Gardener said they would like to work with Mr. Jones in educating the potential future property owners of Mr. Jones business. After reading a definition out of the Zoning Ordinance, Mr. Brown said it sounded like a planned district is the way to go.

MOTION: A motion was made by Commissioner Peterson to forward application #2898 to the City Council with recommendation for approval in as much as the developer will change to the planned district and will work with the adjacent property owners and the City to create a desirable area in Brigham City; that they will comply with the Staff evaluations and findings of fact that the proposed changes will create a more compatible plan for this area of the City and compliment the West Forest Street Plan of the Brigham City General Plan. The motion was seconded by Commissioner Poelman.

Commissioner Poelman asked if the motion needed to include that this would be an amendment to the General Plan and reflect the high, low and medium density residential areas. Commissioner Peterson agreed to add those comments to her motion.

Roll Call:
Miles Brown – Nay
Barbara Poelman – Yea
Joan Peterson – Yea
Bill McGaha – Yea

The motion passed 3 to 1.

APPLICATION #2881 / CONTINUATION / CHANGE ZONING DISTRICT FROM A-5 (AGRICULTURAL DISTRICT) TO R-1-8 (RESIDENTIAL SINGLE-FAMILY DISTRICT) / 1000 WEST 400 SOUTH / R. C. GARDNER DEVELOPMENT INC., KEB INVESTMENT

Mr. Teuscher commented that this application needs to be continued to allow the applicant time to revise their application based on the Commissions recommendation of the previous application. Commissioner Nielsen clarified that the Commission will not act on this application until the City Council has chosen to amend the General Plan and at that time the Planning Commission will entertain a motion to change the zoning. Mr. Teuscher stated that the applicant will have to resubmit a preliminary plan to the Planning Commission. He asked Mr. Gardener how long he needed to get his plan together in regards to the planned district. Mr. Gardener asked to speak to the Commission after the meeting as to the coving concept and get their opinions before spending thousands of dollars on engineering a plan. It was suggested to continue this application to the May 15, 2007 meeting. Mr. Teuscher said Staff would schedule a public hearing for the previous application regarding the General Plan amendment to be held on May 3, 2007. In the interim, Staff can work with Gardener's on the conceptual plan for the zone change. If the developer has something ready to discuss by May 1, 2007, it can be put on the Planning Commission agenda as a discussion item.

MOTION: A motion was made by Commissioner Poelman to continue application #2881 until the May 15, 2007 meeting with potential to discuss on May 1, 2007. The motion was seconded by Commissioner Peterson and passed unanimously.

PUBLIC INPUT:

Tyson Packer, Assistant Director for Box Elder Mosquito Abatement, came forward. He stated that they share some of the same concerns as Paul Jones Trucking as to not have neighbors complaining about the smell of their operation. They are concerned that if residential housing is allowed into that area, even though their operation is not hazardous, the smell can be unpleasant; they don't want to have the residents complaining about their business. They moved their business purposely out of residential for this very reason. They felt there ought to be a larger buffer zone between them, Paul Jones Trucking and other industrial areas. He would like to see a bigger distance between residential and where their business is located. They don't want anyone mistakenly to believe their business has caused health problems or other concerns.

Commissioner Nielsen commented that there would be occasion for Mr. Packer and any one else concerned to voice those concerns at the City Council public hearing for application #2898.

DISCUSSION:

MOTION: A motion was made by Commissioner Poelman to adjourn. The motion was seconded by Miles Brown and passed unanimously.

Meeting adjourned at 7:33 p.m.

This certifies that the regular meeting minutes of April 03, 2007 are a true and accurate copy as approved by the Planning Commission on May 15, 2007.

Signed: _____
Jeffery R. Leishman, Secretary